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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/610,142	07/05/2000	Masahiro Ito	719-X00-006	4378

7590 02/05/2004

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EXAMINER

JEANTY, ROMAIN

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 02/05/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/610,142

Applicant(s)

ITO, MASAHIRO

Examiner

Romain Jeanty

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. This Office action is in response to the filing of this application. Claims 1-7 are pending in the application.

Claim Objections

2. Claim 1 is objected to because of the following informalities: The claim does not contain a preamble. Applicant is suggested to amend the claim to add the word "comprising".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 2 and 3, the phrase "for example" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Regarding claim 2, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

Claim 3 recites the limitations "the remuneration previously provided". There is insufficient antecedent basis for this limitation in the claim or claims on which they depend

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claim 1-7 is rejected under 35 U.S.C 102(e) as anticipated over Feldman et al (U.S. Patent No. 6,594,638)

As per claims 1 and 6-7, Feldman et al discloses an on-line (Internet) method for collecting data to an individual user comprising:

a system for collecting data through the Internet, with the system characterized by he inclusion of a means for producing or arranging personal-life information/advice in a question-and-answer format that includes a plurality of questions for obtaining desired data requested by businesses and other organizations, a means for supplying personal life information/advice to an individual user, who can receive the information at any time; a means for selecting the aforementioned desired data from an individual user's answers to a plurality of questions when obtaining that user is obtaining personal-life information/advice; and a means for supplying the desired data to the appropriate business-user (col. 3, lines 41 through col. 4, line 27);

As per claim 2, Feldman et al; further discloses a data-collecting system, as claimed in claim 1, in which the system particularly includes a computer system that includes a set of databases and a central processing unit with the set of databases including a personal-life information/advice database, in which a plurality of personal-life information/advice is recorded;

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an individual-users database, in which each individual user is registered and in which are recorded the user's name, gender, address, telephone number, and so on, in order for the user to be able to access the personal-life information/advice, as well as such other data as the user's access counts and answers to a plurality of questions that were inserted into the personal-life information/advice (i.e. a database for storing the user's information; a business-users database, in which businesses and other organizations are registered in order for them to be able to request that specified desired data be obtained; a data-requests database in which are recorded a plurality of items or subject areas concerning which requests for data have been made by business-users; and a financial records database, in which are recorded various financial records, including credits due to individual users and business-users in connection with the use of this system; and the central processing unit containing a means of recording the names and identification numbers of users in the individual-users database and business-users database, upon receipt of a signal, sent through the Internet, from the terminal computer of an individual user or business-user requesting status as a user; a means of receiving a request from a terminal computer of an individual user and of transmitting to that user from the personal-life information database suitable personal-life information/advice for example, divination) that is selected according to the interests of that individual user; means of recording into the data-requests database the business-users' requests for data to be obtained upon receipt of a request from a terminal computer of such a business-user; a means of referring to the data-requests database and selecting the type of data to be obtained, thereby to formulate questions to be inserted into the personal-life information/advice being provided to individual users; a means of recording and storing in the individual-users database individual users' answers to the questions in the personal-

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life information/advice, upon receipt of a user's answers to those questions; a means of accessing the individual-users database and the data-requests database so as to analyze the totality of data accumulated in the individual-users database in order to prepare appropriate research-results reports to be transmitted to the terminal computers of the business-users; and a means for maintaining in the financial records database a variety of financial records, including fees to be imposed on individual users or business-users for the use of this system (col. 5, line 32 through col. 9 line 45).

As per claim 3, Feldman et al further discloses data-collecting system in which the system includes a means for paying to individual users the remuneration previously provided for by the business-users for responding to requests for data (col. 11, lines 45-62).

As per claim 4, Feldman et al further discloses data-collecting system in which the personal personal-life information/advice mentioned above includes information concerning premiums or prizes being offered to users by a business or other organization (col. 3, lines 41-65).

As per claim 5, a computer terminal is inherent in the Feldman et al's system.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Mahoney et al discloses a computer based-system for electronic distribution of corporate information.

Any inquiry concerning this communication or earlier communications from the examiner should be directed Romain Jeanty whose telephone number is (703) 308-9585. The

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examiner can normally be reached Monday-Thursday from 7:30 am to 6:00 pm. If attempts to reach the examiner are not successful, the examiner's supervisor, Tariq R Hafiz can be reached at (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the group receptionist whose telephone number is (703) 308-1113.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

or faxed to: (703) 305-7687

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive,
Arlington VA, Seventh floor receptionist.



Romain Jeanty

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November 30, 2003